

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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TAMIKO GARRIS-RIVERS,

Index No. 13cv9034 (GBD)
(RLE)

ECF CASE

PLAINTIFF,

-against-

**Affirmation of David
Thompson in Opposition to
the Defendants' Motion for
Summary Judgment**

THE METROPOLITAN TRANSPORTATION
AUTHORITY, et al.,

DEFENDANTS.

-----X

David A. Thompson of Stecklow Cohen & Thompson, declares under penalty of perjury
and pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am the attorney of record in this case. As such, I am familiar with the facts
stated below and the proceedings held herein. I submit this declaration in opposition to the
defendants' motion for summary judgment.

2. Attached hereto as Exhibit 1 is a true and correct copy of the December 20, 2013
Complaint.

3. Attached hereto as Exhibit 2 is a true and correct copy of the January 28, 2014
Answer.

4. Attached hereto as Exhibit 3 is a true and correct copy of the May 13, 2014 First
Amended Complaint.

5. Attached hereto as Exhibit 4 is a true and correct copy of the May 28, 2014
Answer to First Amended Complaint.

6. Attached hereto as Exhibit 5 is a true and correct copy of Plaintiff's Notice of
Claim, filed May 14, 2013.

7. Attached hereto as Exhibit 6 is a true and correct copy of the transcript of Plaintiff's September 19, 2013 N.Y. Gen. Mun. § 50-H examination.
8. Attached hereto as Exhibit 7 is a true and correct copy of the transcript of the October 3, 2014 Deposition of Plaintiff.
9. Attached hereto as Exhibit 8 is a true and correct copy of the transcript of the October 27, 2014 Deposition of Defendant Robert Rau.
10. Attached hereto as Exhibit 9 is a true and correct copy of the transcript of the October 27, 2014 Deposition of Defendant Mathew Reilly.
11. Attached hereto as Exhibit 10 is a true and correct copy of the transcript of the October 24, 2014 Deposition of Defendant Jonathan Mancini.
12. Attached hereto as Exhibit 11 is a copy of the statement the made by Defendant Jonathan Mancini on March 25, 2014, annexed herein in the same form in which it was provided to the plaintiff by counsel for the defendants.
13. Attached hereto as Exhibit 12 is a copy of the statement the made by Defendant Mathew Reilly on May 12, 2013, annexed herein in the same form in which it was provided to the plaintiff by counsel for the defendants.
14. Attached hereto as Exhibit 13 is a copy the memo book of Defendant Mathew Reilly containing statements made on May 5-6, 2013, annexed herein in the same form in which it was provided to the plaintiff by counsel for the defendants.
15. Attached hereto as Exhibit 14 is a copy of the May 20, 2013 M.T.A. Incident Report, annexed herein in the same form in which it was provided to the plaintiff by counsel for the defendants.
16. Attached hereto as Exhibit 15 is a copy of the statement made by Defendant Robert Rau on May 12, 2013, annexed herein in the same form in which it was provided to the plaintiff by counsel for the defendants.

17. Attached hereto as Exhibit 16 is a copy of the memo book of Defendant Robert Rau, dated May 2, 2013, annexed herein in the same form in which it was provided to the plaintiff by counsel for the defendants.

18. Attached hereto as Exhibit 17 is a true and correct copy of the letter I sent to your honor on January 22, 2015, reflecting a stipulation among the parties, which was so-ordered by this Court on January 23, 2015.

19. Attached hereto as Exhibit 18 is a true and correct copy of the May 6-7, 2013 prisoner movement log of Plaintiff's movements while in custody.

20. Attached hereto as Exhibit 19 is a true and correct copy of the June 26, 2013 statement made by Defendant Benjamin Gardiner, in the form it was provided to the plaintiff by counsel for the defendants.

21. Attached hereto as Exhibit 20 is a true and correct copy of the Omniform System Arrest Report, created May 6, 2013.

22. Attached hereto as Exhibit 21 is copy of the front and back sides of the spousal pass, annexed herein in the same form in which it was provided to the plaintiff by counsel for the defendants.

23. Attached hereto as Exhibit 22 is a true and correct copy of the April 2, 2014 Psychological Evaluation of Plaintiff.

24. Attached hereto as Exhibit 23 is a true and correct copy of Plaintiff's June 30, 2015 Affirmation.

25. Attached hereto as Exhibit 24 is a copy of the Metropolitan Transportation Authority's Corporate Policy and Procedure section OOS-OO1, annexed herein in the same form in which it was provided to the plaintiff by counsel for the defendants.

DATED: New York, New York
July 1, 2015

Respectfully submitted,

/s/

DAVID A. THOMPSON [DT 3991]
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